

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,	:	CIVIL NO. 1:CV-00-0895
	:	
Plaintiff	:	
	:	
v.	:	(Magistrate Judge Smyser)
	:	
ROBERT W. MEYERS,	:	
ROBERT S. BITNER,	:	
DAVID J. WAKEFIELD,	:	
TERRY L. WHITMAN,	:	
JACK ALLAR,	:	
LARRY LIDGETT, :	:	
LT. DECKER,	:	
MAJOR YANCY and	:	
JEFFREY A. RACKOVAN,	:	
Defendants	:	

ORDER

On February 6, 2002, a jury rendered a verdict in favor of the defendants in this case.

On October 7, 2003, the plaintiff filed an application for the court to rescind the judgment rendered at trial and to order a new trial on the basis that counsel should have been appointed to represent the plaintiff. The plaintiff had argued in his appeal to the United States Court of Appeals for the Third Circuit that the court erred in not appointing counsel to represent him. The Third Circuit held that the undersigned did

not abuse his discretion in refusing to appoint counsel to represent the plaintiff.

The plaintiff's motion to rescind the judgment will be denied as the plaintiff has not presented a meritorious ground for the court to order a new trial.

AND NOW, this 9th day of October, 2003, **IT IS HEREBY ORDERED** that the plaintiff's application (doc. 140) for the court to rescind the judgment rendered at trial is **DENIED**.

/s/ J. Andrew Smyser  
J. Andrew Smyser  
Magistrate Judge

Dated: October 9, 2003.